## ASSEMBLY, No. 1677

# **STATE OF NEW JERSEY**

### 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by: Assemblywoman ANNETTE QUIJANO District 20 (Union)

#### **SYNOPSIS**

Establishes "Residential Water Quality Assurance Program" in DEP; requires certain disclosures from residents and property owners regarding lead in drinking water.

#### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the "Residential Water Quality Assurance 2 Program" in the Department of Environmental Protection and 3 supplementing Title 58 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

"Certified laboratory" means a drinking water testing laboratory that has been certified to test drinking water for lead by the department, the United States Environmental Protection Agency, or another state.

13 "Department" means the Department of Environmental 14 Protection.

"Lead action level" means the action level for lead in drinking water established by the United States Environmental Protection Agency, or a more stringent action level adopted by the department pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.).

"Program" means the "Residential Water Quality Assurance Program" established pursuant to section 2 of this act

- 2. a. There is established in the department the "Residential Water Quality Assurance Program" in order to provide access to free drinking water lead tests to residents and property owners.
- b. A resident or owner of a residential property constructed prior to January 1, 1990 shall receive, upon application to the department in a form and manner to be prescribed by the department, a free lead testing kit. The resident or owner shall be responsible for taking samples of the drinking water in the dwelling unit or property, and for mailing or delivering the samples to a certified laboratory for testing, in accordance with sampling and mailing instructions to be provided by the department.
- c. A qualified applicant shall not be responsible for any costs incurred in connection with testing undertaken pursuant to the program.
- d. The department shall develop and maintain a computer database containing the address of each property tested and the test results.
- e. The department shall ensure that an address, or a dwelling unit in the case of a property containing multiple dwelling units, receives a maximum of one free test.
- f. The department shall develop an application process by which a resident or property owner can apply for the program, as well as sampling and mailing instructions to be provided to a qualified applicant. The mailing instructions shall include a directive that one copy of the test results be returned to the department, and one copy to the resident or owner.

- 3. a. A residential property owner who receives a test result or written notice of a test result pursuant to this act that indicates that the drinking water on the property exceeds the lead action level, shall:
  - (1) Provide written notice of the exceedance to all residents of the property; and
- (2) Provide written notice of the exceedance to a prospective party to an agreement for the sale, lease, or rental of any portion of the property, including an extension or renewal, prior to the execution of the agreement.
- b. A resident of a property who is not the owner of the property and who receives a test result pursuant to this act that indicates that the drinking water on the property exceeds the lead action level, shall provide written notice of the test result to the owner of the property.

4. This act shall take effect six months after the date of enactment and shall expire 5 years and six months after the date of enactment.

#### **STATEMENT**

This bill establishes the "Residential Water Quality Assurance Program" (program) in the Department of Environmental Protection (DEP) to provide residents and property owners of certain residential properties with free drinking water lead tests. The program would last for five years.

Any resident or property owner of a residential property that was constructed before 1990 would be eligible to receive a free lead test kit, provided that the address or dwelling unit has not already participated in the program. Residents and owners would be responsible for taking water samples and mailing the samples to certified laboratories for testing, according to instructions provided by the DEP. Both the DEP and the resident or owner would receive the test results, and the DEP would be required to develop and maintain a database of the results.

The bill also requires property owners who receive a test result that indicates a lead level that exceeds the action level to notify the other tenants of the property, and to disclose the test result to prospective purchasers or tenants of the property. Similarly, the bill requires tenants to notify the property owner if they receive a test result that indicates a high lead level.